

Thomas P. Riley, SBN 194706
LAW OFFICES OF THOMAS P. RILEY, P.C.
One California Plaza
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Los Angeles, CA 90071-3161

Tel: 213-229-9292
Fax: 213-229-9295
TPRLA@att.net

Attorneys for Plaintiff
Garden City Boxing Club, Inc.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

Garden City Boxing Club, Inc.

Plaintiff,

vs.

Bertha Garcia, et al.

Defendants.

CASE NO. CV 05-0493 REC TAG

**STIPULATION OF DISMISSAL OF
PLAINTIFF'S COMPLAINT
AGAINST DEFENDANTS BERTHA
GARCIA AND MIGUEL GARCIA,
INDIVIDUALLY AND D/B/A
GARCIA'S MEXICAN CUISINE**

IT IS HEREBY STIPULATED by and between Plaintiff GARDEN CITY BOXING CLUB, INC. and Defendants BERTHA GARCIA and MIGUEL GARCIA, individually and d/b/a GARCIA'S MEXICAN CUISINE, that the above-entitled action is hereby dismissed **without prejudice** against BERTHA GARCIA and MIGUEL GARCIA, individually and d/b/a GARCIA'S MEXICAN CUISINE subject to the Court's jurisdiction to enforce the settlement agreement reached between the Parties.

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1 **IT IS FURTHER STIPULATED** that provided no Party referenced above has
2 filed a motion to reopen this action by December 15, 2005, this Court shall *not* have
3 jurisdiction to set aside the dismissal and the dismissal shall be deemed to be **with**
4 **prejudice.**

5 This dismissal is made pursuant to Federal Rules of Civil Procedure 41(a)(1). Each
6 Party referenced-above shall bear its own attorneys' fees and costs.
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9
10 Dated: June 29, 2005

/s/ Thomas P. Riley

LAW OFFICES OF THOMAS P. RILEY, P.C.

By: Thomas P. Riley

Attorneys for Plaintiff

GARDEN CITY BOXING CLUB, INC.

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16 Dated:

/s/ Sheri C. Vinning

**THE LAW OFFICE OF
SHERI CONNELLY VINING**

By: Sheri C. Vining, Esquire

Attorneys for BERTHA GARCIA AND MIGUEL

GARCIA, individually and d/b/a GARCIA'S
MEXICAN CUISINE

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22 **IT IS SO ORDERED:**

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26 /s/ROBERT E. COYLE

Dated: July 13, 2005

27 **The Honorable Robert E. Coyle**

United States District Court

28 **Eastern District of California**

PROOF OF SERVICE (BY OVERNIGHT MAIL)

I declare that:

I am employed in the County of Los Angeles, California. I am over the age of eighteen years and not a party to the within cause; my business address is One California Plaza, 300 South Grand Avenue, Suite 2670, Los Angeles, California 90071. I am readily familiar with this law firm's practice for collection and processing of correspondence/documents for mail in the ordinary course of business.

On June 29, 2005, I served:

**STIPULATION OF DISMISSAL OF PLAINTIFF'S COMPLAINT
AGAINST DEFENDANTS BERTHA GARCIA and MIGUEL GARCIA,
individually and d/b/a GARCIA'S MEXICAN CUISINE**

On all parties in said cause by enclosing a true copy thereof in a sealed envelope with postage prepaid and following ordinary business practices, said envelope was duly mailed and addressed to:

Mr. Sheri C. Vining, Esquire
The Law Offices of Sheri Connelly Vining
1227 "L" Street
Bakersfield, CA 93301

Attorneys for Defendants
Bertha Garcia and Miguel Garcia,
individually and d/b/a
Garcia's Mexican Cuisine

I declare under the penalty of perjury pursuant to the laws of the United States that the foregoing is true and correct and that this declaration was executed on June 29, 2005, at Los Angeles, California.

Dated: June 29, 2005

/s/ Inesa Mamidjanyan
INESA MAMIDJANYAN

1 **Thomas P. Riley, SBN 194706**
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8 **TPRLA@att.net**

9 **Attorneys for Plaintiff**
10 **Garden City Boxing Club, Inc.**

11 **UNITED STATES DISTRICT COURT**
12 **EASTERN DISTRICT OF CALIFORNIA**

13 **Garden City Boxing Club, Inc.**

14 **CASE NO. CV 05-0493 REC TAG**

15 **Plaintiff,**

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18 **AGAINST DEFENDANTS BERTHA**
19 **GARCIA AND MIGUEL GARCIA,**
20 **INDIVIDUALLY AND D/B/A**
21 **GARCIA'S MEXICAN CUISINE**

22 **vs.**

23 **Bertha Garcia, et al.**

24 **Defendants.**

25 **IT IS HEREBY STIPULATED** by and between Plaintiff GARDEN CITY
26 BOXING CLUB, INC. and Defendants BERTHA GARCIA and MIGUEL GARCIA,
27 individually and d/b/a GARCIA'S MEXICAN CUISINE, that the above-entitled action is
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